

Lynda M. Hill
CLERK OF COURT



615-736-2793

February 14, 2024

VIA E-Mail: jesse@jesseharbisonlaw.com

VIA E-Mail: asteiner@steinerandsteiner.com

Jesse Ford Harbison
Jesse Harbison Law, PLLC
1109 N. 6th Street
Nashville, TN 37207

Ann Buntin Steiner
Steiner & Steiner, LLC
613 Woodland Street
Nashville, TN 37206-1644

VIA E-Mail: frhodes@foulston.com

VIA E-Mail: kara.shea@butlersnow.com
liesel.carmen-burks@butlersnow.com

Forrest T. Rhodes, Jr.
Foulston Siefkin LLP
Employment Dept.
1551 N. Waterfront Parkway
Suite 100
Wichita, KS 67206-4466

Kara E. Shea
Lieselotte Margaret Carmen-Burks
Butler Snow LLP
Nashville Office
150 3rd Avenue South
Suite 1600
Nashville, TN 37201

RE: Westbrook, et al. v. Thrive Restaurant Group, LLC, et al. Case No. 3:23-cv-00771

Dear Counsel:

The current terms of office of United States Magistrate Judge Alistair Newbern and United States Magistrate Judge Jeffery S. Frensey expire on August 31, 2024, and October 9, 2024, respectively. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate judges to new eight-year terms. On February 9, 2024, the Court entered an order appointing the following individuals to serve on this Merit Selection Panel:

Joycelyn A. Stevenson, Esq., Chair
Paul J. Bruno, Esq.
Joseph B. Crace, Jr., Esq.
Michelle J. Handelsman, Esq.
Jesse Ford Harbison, Esq.
Alex Jahangir, M.D.
Che Mock, Esq.
Anne Neff, M.D.

FRED D. THOMPSON U.S. COURTHOUSE AND FEDERAL BUILDING
719 CHURCH STREET, SUITE 1300
NASHVILLE, TENNESSEE 37203

Gregory S. Reynolds, Esq.
G. Andrew Rowlett, Esq.

During the 90-day period of time that the Panel is evaluating the incumbent and considering what recommendation to make concerning reappointment, a perception could be created in reasonable minds that the magistrate judge's ability to carry out judicial responsibilities with impartiality is impaired in any case involving an attorney or a party who is a member of the panel. Therefore, under Canon 3C(1) of the Code of Conduct for United States Judges, a magistrate judge is required to recuse in such a case, unless all the parties and lawyers, after notice of the basis for the disqualification, agree in writing to waive the disqualification under a procedure independent of the judge's participation. Canon 3D.

If you and your client(s) wish to waive the judge's potential disqualification, counsel must sign this letter below and send it to me at Lynda.Hill@tnmd.uscourts.gov by the close of business on **Friday, February 23, 2024**. Copies of your executed forms should not be sent to the judge nor to other counsel. If all counsel execute and submit this form, this notice and all responses will be made part of the record, as required by Canon 3D, and the judge will continue participation in the proceeding. If a waiver is not timely received from all counsel, this notice and any responses received will be kept under seal and not shown to the judge, nor will the judge be informed of the identity of any party or lawyer who declined to waive the disqualification. If the disqualification is not waived, the case will be reassigned to another judge during the 90-day period, until May 11, 2024.

Please contact me if you have any question regarding this disclosure or procedure.

Sincerely,

A handwritten signature in black ink that reads "Lynda M. Hill". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lynda M. Hill
Clerk of Court

Waiver of Disqualification

I have consulted with my client(s) concerning the Clerk's notice that the Magistrate Judge intends to disqualify himself/herself from the above referenced case because his /her impartiality might reasonably be questioned for the reasons set forth herein. As evidenced by my signature below, my client(s) and I hereby waive this disqualification. We are willing to proceed forward with the presiding Magistrate Judge. Pursuant to Canon 3D of the Code of Conduct, I am submitting this letter to the Clerk of Court, but I am not copying the Magistrate Judge nor am I copying the other counsel of record or the other parties.

Whitney Coles
Party/Client Name(s)

Ann Burtin Steiner
Counsel Name (Print)

Ann Burtin Steiner
Counsel Signature

2/22/2024
Date

Waiver of Disqualification

I have consulted with my client(s) concerning the Clerk's notice that the Magistrate Judge intends to disqualify himself/herself from the above referenced case because his /her impartiality might reasonably be questioned for the reasons set forth herein. As evidenced by my signature below, my client(s) and I hereby waive this disqualification. We are willing to proceed forward with the presiding Magistrate Judge. Pursuant to Canon 3D of the Code of Conduct, I am submitting this letter to the Clerk of Court, but I am not copying the Magistrate Judge nor am I copying the other counsel of record or the other parties.

Victor Westbrook

Party/Client Name(s)

Ann Boutin Steiner

Counsel Name (Print)

Ann Boutin Steiner

Counsel Signature

2/22/2024

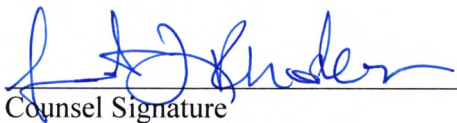
Date

Waiver of Disqualification

I have consulted with my client(s) concerning the Clerk's notice that the Magistrate Judge intends to disqualify himself/herself from the above referenced case because his /her impartiality might reasonably be questioned for the reasons set forth herein. As evidenced by my signature below, my client(s) and I hereby waive this disqualification. We are willing to proceed forward with the presiding Magistrate Judge. Pursuant to Canon 3D of the Code of Conduct, I am submitting this letter to the Clerk of Court, but I am not copying the Magistrate Judge nor am I copying the other counsel of record or the other parties.

Thrive Restaurant Group LLC ; Thrive Together LLC
Party/Client Name(s)

FORREST T. RHODES JR.
Counsel Name (Print)


Counsel Signature

2/22/2024
Date